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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,755	09/15/2003	Chauncey W. Griswold	IGTIP519/P-892	1541
79646 7590 06/10/2009 Weaver Austin Villeneuve & Sampson LLP - IGT Attn: IGT P.O. Box 70250 Oakland, CA 94612-0250				
EXAMINER				
PANDYA, SUNT				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/10/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/662,755

**Applicant(s)**

GRISWOLD ET AL.

**Examiner**

SUNIT PANDYA

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 3/26/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/09 has been entered.

### ***Response to Amendment***

The declaration filed on 8/18/08 under 37 CFR 1.131 is sufficient to overcome the Gauselmann (US Patent Pub. 2003/0216174) reference.

However the examiner notes that in light of applicant's declaration, the date of December 2001 will be provided to the applicant as a priority date, because December 2001 is the date of reduction to practice, as supported by 1.131 declaration. However the applicant will not be given priority to the conception date, since a prototype wasn't constructed till December 2001, thus lacking evidence for due diligence for the two year gap between alleged conception in 1999 and alleged reduction to practice in 2001.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al. (US Patent Pub. 2003/0064784).

Claims 1, 32, 45, 56 & 64: Wells et al. discloses of a game play via a gaming apparatus, wherein the gaming apparatus comprises of a value input device to receive a value input from the player (0032), and causing the first display unit to display a first game (0042-0043). Wells et al. also discloses of selecting one of plurality of player input displays, wherein the display corresponds to the game related to the first game display (0044), and the second display to display the selected player inputs (figure 2 & 0045), wherein the player input data is received through touch screen for the game (0047). Wells et al. also teaches of selecting another of player input displays (figures 2 & 2A), and causing the second display unit to display the selected other of the plurality of player input displays and receive player input data associated with the selected other of the plurality of player input displays via touch screen (0044-0047). Wells et al. also determines the outcome of the game and awards the player accordingly (0042).

Claims 2, 3, 18, 19, 33, 46 & 47: Wells et al. discloses that the second display unit, displays at least one button (figure 2A, allowing player to select atleast one of the said button, during game play).

Claims 4-9, 20-23, 34-37, 48 & 49: Wells et al. discloses of causing the second display unit to display a background (0072, wherein the background could be an

image, a graphic or a video each related to a distinct game, which are disclosed by different embodiments of Wells et al., see ex. poker, blackjack, bingo etc.).

Claims 10, 24, 38, 57 & 65: Wells et al. discloses the second display unit to display second game displays (wherein selected one of plurality of player input display comprises second game displays, Wells et al. discloses different embodiments for inputs for games such as poker, blackjack, bingo etc.).

Claim 11, 12, 26, 27, 39 & 40: Wells et al. discloses of the first display unit to display a bonus game, or an event, while causing the second display unit to display the second game display (0085-0087).

Claim 13 & 28: Wells et al. discloses of selecting one of the plurality of player input displays based on player input, wherein player input comprises of atleast one of a time, a game (Wells et al. discloses of poker, blackjack, bingo etc.), a stage of game and player tracking information.

Claims 14, 29 & 42: Wells et al. discloses of display unit to display a user interface, for configuring player tracking information (0034).

Claims 15, 30 & 43: Wells et al. discloses of display unit for displaying a user interface for ordering a ticket to a show, or any other services provided by the casino (0033).

Claims 16, 31, 41, 44, 50, 51, 58 & 66: Wells et al. discloses of receiving player input data via one button separate from the second display unit (figure 2A & 0042, additional buttons).

Claims 17 & 25: Wells et al. discloses of a game play via a gaming apparatus, wherein the gaming apparatus comprises of a value input device to receive a value input from the player (0032), and causing the first display unit to display a first game (0042). Wells et al. also discloses of selecting one of plurality of player input displays, wherein the display corresponds to the game related to the first game display (0042-0043), and the second display to display the selected player inputs, wherein the player input data is received through touch screen for the game (figure 2A). Wells et al. also discloses of selecting another of player input displays (figure 2A), and causing the second display unit to display the selected other of the plurality of player input displays, and receive player input data associated with the selected other of the plurality of player input displays via touch screen (0044-0047). Wells et al. also determines the outcome of the game and awards the player accordingly (0044). Wells et al. also discloses the configurable control panel unit comprising plurality of lights beneath the panel to illuminate/de-illuminate the panel (0050)

Claims 52-55, 59-63, 67 & 68: Wells et al. discloses of plurality of lights beneath the buttons to cause button on the panel corresponding to the selected one to be illuminated and de-illuminate the buttons accordingly (0050)

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-68 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/  
Primary Examiner, Art Unit 3714

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